

GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

SUITS –Land Acquisition – AMRP – Nalgonda District - Peddavoora (Mandal) – Chalakurthy (V) – O.P.No.80/2000 - Sanction of decretal amount of **Rs.11,86,348/-** - Orders Issued.

IRRIGATION & CAD (PW.LA.III.A2) DEPARTMENT

G.O.RT.NO. 384

DATE:02.06.2009

Read:

- 1) From the Special Collector, Nalgonda Lr.No.A5/532/05, dt:18.03.09
- 2) From the CCLA, AP, Hyd Lr.No.G3/600/09, Dated:20.05.2009.

O R D E R:

The Special Chief Secretary & Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad has informed that the Spl.Collector, Nalgonda has submitted the proposal for sanction of decretal charges in respect of O.P.No.80/2000 pertaining to Chalakurthy (Village) Peddavoora (M) of Nalgonda District. The brief history of the case is that the Special Deputy Collector, LA, Unit-II, G.V.Gudem Nalgonda acquired an extent of Ac.9.30 gts of patta land situated in Chalakurthy (V) Peddavoora (M) for excavation of flood flow Canal by fixing the Market Value Rs.21,000/- per acre vide Award No.24/98 , dt:26.02.1999. The awardees have filed U/s 18 and the same were sent to the Sr.Civil Judge, Miryalaguda. The Sr.Civil Judge, Miryalaguda in his judgment and decree dt:17.03.2003 enhanced the market value from Rs.21,000/- to Rs.1,00,000/- per acre with statutory benefits vide O.P. 80/2000. Aggrieved by the judgment the Special Deputy Collector, Nalgonda preferred an Appeal before the Hon'ble High Court. The Hon'ble High Court has granted interim stay in CMP No.12685/2004 on condition to deposit 50% of the Decretal amount. Accordingly 50% amount has been deposited Rs.9,77,530/- in the Sr.Civil Judge, Miryalaguda dt 17-01-2005. The Hon'ble Court has disposed the A.S.No.1705/2003, dt:20.11.2006 while fixing the market value Rs.90,000/- with all statutory benefits. The Government Pleader (Appeals) stated that it is fit case to file appeal in the Hon'ble Supreme Court of India, New Delhi. Accordingly the SLP filed in APEX Court and the Supreme were dismissed on 13-03-2008.

2) After careful examination of the matter, Government hereby accord administrative sanction for an amount of **Rs.11,86,348/- (Rupees Eleven lakhs eighty six thousand three hundred and forty eight only)** towards decretal charges in respect of O.P.No.80/2000 pertaining to Chalakurthy (V) Peddavoora (Mandal) of Nalgonda District subject to verification whether the reference under section 18(1) of the L.A.Act is made to the Lower Court after following all the guidelines/directions on the subject and in case it is detected that Section 18 reference was made contrary to the rules/guidelines issued by the Government/ Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the Chief Engineer as to the extent of land acquired. Further, the Special Collector should verify the calculations made by the Land Acquisition Officer once again thoroughly with reference to the decree and instructions issued by the Government/Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad on the subject from time to time duly deducting the Income Tax as per rules before depositing the amount in Lower court.

(PTO)

3) The Special Collector, LA, Nalgonda District is directed to follow the directions issued by the Hon'ble High Court on 30.04.2007 in W.P.No.2181 of 2005 in disbursement of the above sanctioned decretal charges to the rightful claimants in respect of O.P.No.80/2000 for avoiding intervention of the middlemen.

4) The expenditure sanctioned in para (2) above shall be debitable to following Head of Account under "4701 – Capital outlay on Major and Medium Irrigation–01 – Major Irrigation (Commercial) – M.H.125 – SLBC – SH (27) – Canals and Distributaries – 530 – Major works - 532 (charged). In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

5) This order issues with the concurrence of Finance (Works&Projects) Department vide their U.O. No.1399/F.5 (A1)/2009-1, dated 01.05.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYA NATH DAS
SECRETARY TO GOVERNMENT

To
The Spl. Chief Secretary to Government & CCLA, A.P., Hyderabad.
The Special Collector, LA, Nalgonda District.
The District Collector, Nalgonda District
The Engineer-in-Chief, Irrigation, Erramanzil, Hyderabad.
The Land Acquisition Officer & SDC, AMRP Unit-II, Nalgonda Dist.
The Director of Works Accounts, Hyderabad.
Copy to: P.S. to Minister (M& MI).
Finance (W&P) Department/File C.No.7630/LA-III(A2)/2009
SF/SCs

//FORWARDED::BY ORDER//

SECTION OFFICER